SINGLE BENCH

C & 1002

(1)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

WRIT PETITION (s) NO. 645 /2007

PETITIONER : kaushliya Bai W/O Pamondas
Tahsil- Pandariya, Aged 22 years
District- Kabeer Dham,
(Chhattisgarh).

VERSUS

RESPONDENTS :
1. State of Chhattisgarh,
Through Secretary,
Women and Child
Development Department,
D.K.S. Bhawan, Raipur
(C.G.).
2. Collector, Kabeer Dham
Dist- Kabirdham (C.G.).
3. Additional, Collector,
Kabeerdham; District-
Kabeerdham (C.G.)
4. District Child and Women
Development Officer, Dist-
Kabeer Dham (C.G.).
5. Project Officer, Integrated
Child Development Project,
Tahsil- Pandariya, District-
Kabeer Dham (C.G.).
6. Janpad Panchayat,
Pandariya, Through its
Chief Executive Officer.
Dist-Kabirdham
7. Gam Panchayat, Amlidiha
through its Secretary.
Tahsil- Pandariya,
District-Kabeer Dham
(C.G.),

P.R. No. 7/1/07
Presented by Shri Vijay Laxmi Soni
dated 23/01/07

RECEIVED COPY
23/1/07
CLERK to A. G. BILASPUR

S.R. Kaushik
BILASPUR TAHSIL AREA

20

8. Shantosh Yadav
w/oRamavatar yadav
R/o Village- Amldeeha,
Tahsil- Pandariya, District-
Kabeer Dham (C.G.)

WRIT PETITION UNDER ARTICLE 226 OF CONSTITUTION OF INDIA FOR ISSUING WRIT OF MANDAMUS, CERTIORIA, ANY OTHER APPROPRIATE WRIT OR ORDER.

(62)

HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

SINGLE BENCH : HON'BLE SHRI S.K. AGNIHOTRI, J.

W.P.(S) No.645 of 2007

PETITIONER Kaushliya Bai

VERSUS

RESPONDENTS State of Chhattisgarh and others.

Present : Shri Rajeev Shrivastava, counsel for the petitioner.

Shri Satish Gupta, Dy. G.A.for the State/respondents No. 1 to 5.

ORDER
(Passed on 02nd February, 2007)

The petitioner belonging to Scheduled Caste community was appointed as 'Anganbadi Worker' on 08-11-2006 in Gram Panchayat Amldiha, village Barejahapara, Tahsil Pandariya, District Kabeerdham. The petitioner was issued a show cause notice on 22-11-2006 (Annexure P/4) to explain about the allegations made against her with all documents, before the Additional Collector, Kabeerdham. The Additional Collector, Kabeerdham vide order dated 26-12-2006 (Annexure P/5) after having noticed that the petitioner had passed 7th Class certificate examination and the objector candidate/respondent No.8 was having passed 8th Class certificate examination and both are the local residents of village Barejahapara, cancelled the appointment of the petitioner and appointed respondent No.8 in place of the petitioner. Being aggrieved, the petitioner has impugned the order dated 26-12-2006 (Annexure P/5) on the ground that the Anganbadi Scheme for appointment on the post of Anganbadi Worker provides that first preference should be given to Scheduled Caste/Scheduled Tribe candidates.

(2) According to the learned counsel for the petitioner, the qualification is a desirable qualification and not essential qualification. The Scheme clearly provides that the Anganbadi Worker has to maintain the records for various services performed by them, as such minimum qualification required is 8th Class passed. In the said Scheme it is written as under:-

> "अतः यह वांछनीय है कि कार्यकर्ता मेट्रिक हो। यदि यह संभव न हो तो मिडिल पास महिला की नियुक्ति की जाये व यदि वह भी उपलब्ध न हो तो उस ग्राम की कम पढी लिखी किन्तु समझदार महिला की नियुक्ति की जाये किन्तु अनपढ महिला की कतई नियुक्ति न हो। "

(3) From the perusal of entire Scheme, it appears that the word 'desirable' has to be understood in the context of the Scheme. Eighth Class passed is an essential basic qualification and the preference comes thereafter. It is further prescribed that in case 8th Class passed candidate is not available, 7th Class passed candidate may be considered. In the present case, respondent No.8 is having basic qualification of 8th standard, thus she is more suitable and fit for appointment and grant of preference comes thereafter. In the said Scheme there are several preferences like widow, divorcee, Members living below poverty line, Members of Scheduled Caste and Scheduled Tribe Community etc. In the present case, the petitioner though belongs to Scheduled Caste Community, but she does not possess basic qualification of 8th Class passed Certificate and the objector/respondent No.8 is having the 8th Class passed Certificate.

(4) In view of the foregoing reasons, this petition is dismissed summarily. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge